

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	2:13-CR-148-JAD-GWF
)	
JULIO DE ARMAS DIAZ, et al.)	MINUTES OF THE COURT
)	
Defendant(s).)	DATED: <u>May 2, 2014</u>

PRESENT: HONORABLE JENNIFER A. DORSEY, UNITED STATES DISTRICT JUDGE

DEPUTY CLERK: Donna Sherwood, Eileen Wood REPORTER: Felicia Zabin

COUNSEL FOR PLAINTIFF(S): Daniel Schiess, Christina Brown

COUNSEL FOR DEFENDANT(S): Kathleen Bliss, Daniel Hill,
Brenda Weksler, Raquel Lazo,
Osvaldo Fumo, Thomas Pitaro

PRESENT TELEPHONICALLY: Rick Perdomo on behalf of Judge Barker

CERTIFIED INTERPRETERS: Cristina Sanchez, Estela Castro,

PROCEEDINGS: **JURY TRIAL (DAY 5)**

8:35 a.m. Court convenes outside the presence of the jury.
Defendants are present in custody.

The Court has reviewed all the motions and does not need additional argument.

On inquiry by the Court, defense counsel advise that subpoenas have been issued to Judge Barker, Judge Bixler, Del Toro's counsel Kelly Huang, four District Attorneys and two detectives.

The Court places its findings on the record and rules as follows:
[209] Government's Memorandum in Support of Motion to Preclude Defense from Calling Certain Witnesses is **GRANTED** as to all points, except the Court reserves decision on the admissibility of the text messages and the need for testimony from Attorney Trippiedi until after Agent Christensen's direct testimony is completed.

[215] Defendant's Motion to Allow Testimony of Witnesses and Impeachment Evidence is **DENIED**.

[217] Ex Parte Application for the Issuance of Subpoenas Pursuant to FRCP 17(b)(c) is **DENIED**.

[224] Emergency Motion to Quash Subpoena Served on Third Party the Honorable Judge David Barker is **GRANTED**.

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IT IS ORDERED ALL SUBPOENAS ARE HEREBY QUASHED.

Mr. Pitaro places a proffer of proof on the record, which is joined by Ms. Bliss and Ms. Weksler.

9:10 a.m. Court stands at recess.

9:20 a.m. Court reconvenes in the presence of the jury. All parties are present.

YORDANI CORONA DEL TORO, having previously been sworn, resumes the stand and testifies further on direct examination by Ms. Brown. **Government's Exhibits 39, 59B are marked and admitted in evidence. Government's Exhibit 39A (which was conditionally admitted) is admitted in evidence.**

10:15 a.m. Jury admonished and excused. Court stands at recess.

10:30 a.m. Court reconvenes in the presence of the jury. All parties are present.

YORDANI CORONA DEL TORO, having previously been sworn, resumes the stand and testifies further on cross examination by Ms. Bliss. **Defendant's Exhibits 548, 549 and 550 marked but not offered for admission.**

11:52 a.m. Jury admonished and excused to return at 1:15 p.m.

The Court instructs Ms. Bliss she cannot read the entire document into evidence and then ask if he said that without asking a question in between.

The Court hears the representations of Ms. Bliss.

The Court instructs counsel to return at 1:00 p.m.

11:58 a.m. Court stands at recess.

1:12 p.m. Court reconvenes outside the presence of the jury. All parties are present.

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Ms. Brown moves for a redaction of the text message by Mr. Corona Del Toro wherein he states "the U.S. Attorney is helping me". Ms. Bliss argues relevance. The matter will be taken up at sidebar as it arises.

1:22 p.m. Court reconvenes in the presence of the jury. All parties are present.

YORDANI CORONA DEL TORO, having previously been sworn, resumes the stand and testifies further on cross examination by Ms. Bliss. **Defendant's Exhibit 529 marked but not offered for admission.**

2:32 p.m. Jury admonished and excused. Mr. Corona Del Toro is removed from the courtroom. The Court continues outside the presence of the jury. Counsel argue the probative value of Mr. Corona Del Toro's Facebook photographs. The Court declares the photos are more prejudicial than probative and cannot be presented at this time. The Court stands in recess.

2:45 p.m. Court reconvenes in the presence of the jury. All parties are present.

YORDANI CORONA DEL TORO, having previously been sworn, resumes the stand and testifies further on cross examination by Ms. Bliss and Ms. Lazo. **Government's Exhibits 38A, 39A already admitted. Defendant's Exhibit 528A marked as a demonstrative aid only.**

IT IS ORDERED the Jury Trial is continued to Monday, May 5, 2014, at 9:00 a.m.

Jury admonished and excused.

4:30 p.m. Court adjourns.

4:35 p.m. Court reconvenes outside the presence of the jury. All parties are present.

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The Court Interpreter, Estela Castro, advises the Court she observed Agent Christensen and witness Yordani Corona Del Toro's mother engaged in a loud discussion in the hallway. It appeared the jurors waiting for the elevator were witnessing this loud conversation. The Court will poll the jurors Monday regarding this issue.

4:40 p.m. Court adjourns.

LANCE S. WILSON, CLERK

United States District Court

By: /s/
Donna Sherwood, Deputy Clerk